

**United States District Court  
Northern District of New York**

Dominick E. Dudek,	)	No. 5:21-cv-00400-TJM-ATB
<i>Plaintiff,</i>	)	
	)	
v.	)	Thomas J. McAvoy
	)	United States District Judge
	)	
Kilolo Kijakazi,	)	Andrew T. Baxter
Acting Commissioner of the	)	United States Magistrate Judge
Social Security Administration,	)	
<i>Defendant.</i>	)	

**Parties' Stipulation for Remand**

Under sentence four of 42 U.S.C. § 405(g), the Court has the power “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” *See Shalala v. Schaefer*, 509 U.S. 292, 296-97 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991). The parties request that the Court enter a judgment remanding this matter for further administrative proceedings. On remand, the Appeals Council will direct the Administrative Law Judge to offer plaintiff the opportunity for a hearing and issue a new decision.

Respectfully submitted,

Kilolo Kijakazi,  
By Her Attorney

/s/ Daniel Tarabelli  
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<sup>1</sup> Signed with permission by Daniel Tarabelli.


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v.	)	United States District Judge
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Acting Commissioner of the	)	United States Magistrate Judge
Social Security Administration,	)	
<i>Defendant.</i>	)	

**Order**

The parties' stipulation to remand is granted and this matter is remanded for further administrative proceedings. *See Shalala v. Schaefer*, 509 U.S. 292, 296-97 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991). On remand, the Appeals Council will direct the Administrative Law Judge to offer plaintiff the opportunity for a hearing and issue a new decision.

Dated: April 5, 2022

  
Thomas J. McAvoy  
United States District Judge